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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,962	05/02/2000	JEAN-JACQUES CHEVREUL	P06682US0/RF	9611
881	7590 02/26/2004	EXAMINER		INER
	HARBISON PLLC H FAIRFAX STREET		USTARIS, JOSEPH G	
SUITE 900		•	ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22314			2611	
			DATE MAILED: 02/26/200	' (o

Please find below and/or attached an Office communication concerning this application or proceeding.



	Application No.	Applicant(s)			
	09/486,962	CHEVREUL ET AL.			
Office Action Summary	Examiner	Art Unit			
	Joseph G Ustaris	2611			
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be tin y within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from t, cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on	<del></del> ·				
2a) This action is <b>FINAL</b> . 2b) ☐ This	action is non-final.				
	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is				
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims					
4) ⊠ Claim(s) 11-20 is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) □ Claim(s) is/are allowed. 6) ⊠ Claim(s) 11-20 is/are rejected. 7) ⊠ Claim(s) 8 and 16 is/are objected to. 8) □ Claim(s) are subject to restriction and/or	wn from consideration.				
Application Papers		. ·			
9) The specification is objected to by the Examine	er.				
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.					
Applicant may not request that any objection to the	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).			
Replacement drawing sheet(s) including the correct					
11) The oath or declaration is objected to by the Ex	xaminer. Note the attached Office	Action or form PTO-152.			
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Burea * See the attached detailed Office action for a list	ts have been received. ts have been received in Applicat ority documents have been receive u (PCT Rule 17.2(a)).	ion No ed in this National Stage			
Attachment(s)					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary Paper No(s)/Mail D				
Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)     Paper No(s)/Mail Date	6) Other:	aton reprioused (1 10-102)			

### **DETAILED ACTION**

## Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 8 been renumbered to 18.

Claim 16 objected to because of the following informalities:

 Claim 16 depends on a nonexistent claim 2. The office will assume that claim 16 depends on claim 13.

Appropriate correction is required.

## Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kostreski et al. (US005635979A) in view of Renaud et al. (US005958051A).

Art Unit: 2611

Kostreski et al. (Kostreski) discloses a programmable digital entertainment terminal (DET) or "digital television decoder platform" where it is able to download applications or "operating software" from a downstream (See column 4 line 43 – column 5 line 65). Each application comes from one of many service providers or "operator" selectable by the user (See column 9 lines 20-40) and the DET can receive applications only intended for that particular DET using virtual circuit identifier/virtual path identifier (VCI/VPI) or "filter fields", which are assigned to the DET (See column 17 lines 20-45). The DET stores the application within the random access memory (RAM) or "program" memory" and the application is used to control the DET so that it can offer or decode the services provided by the service providers (See column 4 lines 40-67 and column 7 lines 10-20). The service provider transmits the applications or "broadcasts messages" periodically (See column 5 lines 20-40). When the DET is powered up a loader program or "boot loader" is loaded and broadcasts the DETs identity or VCI/VPI or "filter fields" (See column 11 lines 1-10) and the loader program is stored in ROM or "protected...memory zone" (See column 9 lines 24-40). The applications are sent out using asynchronous transfer mode (ATM) cells payload data where the VCI/VPI is used to direct the ATM cells to specific DETs or "identifying the platform" (See column 17 lines 20-45). However, Kostreski lacks a method where the applications are sent having electronic signatures.

Renaud et al. (Renaud) discloses a system and method for implementing digital signatures or "electronic signatures" for data streams and data archives. Renaud sends a signature file or also known as a header along with the data that includes a digital

Art Unit: 2611

signature (See column 6 lines 50-67 and Fig. 3a). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the applications sent by the service providers disclosed by Kostreski to include a digital signature stored within a header, as taught by Renaud, in order to provide a means of securing and verifying the authenticity of the applications sent by the service providers over the network.

Page 4

Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kostreski et al. (US005635979A) in view of Renaud et al. (US005958051A) as applied to claim 11 above, and further in view of Lett (US005771064A).

Regarding claim 12, Kostreski in view of Renaud transmits the applications as ATM cells or "data" to be stored within the RAM as discussed in claim 11. However, Kostreski in view of Renaud lacks a method where the applications are transmitted and copied at a respective address supplied by the header.

Lett discloses a home communications terminal or DET that is also upgradeable by downloading applications. The applications are also sent with a header, wherein the header includes addresses of the destination banks of the RAM where the application data is going to be stored at (See column 13 lines 35-50 and Fig. 7). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the header disclosed by Kostreski in view of Renaud to include addresses of the destination banks of the RAM where the application data is going to be

Page 5

stored, as taught by Lett, in order to provide a simple means of transferring and storing data to the memory.

Regarding claim 13. Renaud also discloses that the header can contain information about the name of the file, the version of the file, or "description of the respective application" (See column 6 lines 50-67). Also the header can have descriptions for each of the data files or "data blocks".

Regarding claim 14, Official Notice is taken that it is well known to include error correction code in data being transmitted over a network. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the applications sent by the service providers disclosed by Kostreski in view of Renaud and in further view of Lett to include error correction code in order to ensure that the application is correctable at the receiver if any errors occur during transmission.

Regarding claim 15, the header file also includes the version of the file or "software" or "identity of the current version of the software" (See claim 13).

Regarding claim 16, the DET broadcasts information associated with the services provided by the service providers or "SI or PSI information", which are compared or "associated" with the applications available for download, wherein the information broadcasted includes the identity of the DET and the current version of the applications already stored on the DET or "identity of a current version of the software loaded in the platform" (See Kostreski column 11 lines 1-25).

Regarding claim 17, Official Notice is taken that it is well known to encrypt data or signatures being transmitted over a network. Therefore, it would have been obvious Art Unit: 2611

to one with ordinary skill in the art at the time the invention was made to modify the digital signature disclosed by Kostreski in view of Renaud and in further view of Lett to be encrypted in order to provide a higher level of security reducing the risk unauthorized use.

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kostreski et al. (US005635979A) in view of Laubach et al. (US006081533A).

Regarding claim 18, Kostreski et al. (Kostreski) discloses a programmable digital entertainment terminal (DET) or "digital television decoder platform" where it is able to download or "extract" applications or "operating software" from a downstream or "data stream" (See column 4 line 43 – column 5 line 65). Each application comes from one of many service providers or "operator" selectable by the user (See column 9 lines 20-40) and the DET can receive applications only intended or "authenticate the application" for that particular DET using virtual circuit identifier/virtual path identifier (VCI/VPI) or "identification keys", which are assigned to the DET (See column 17 lines 20-45). The DET stores the application within the RAM or "program memory" and the application is used to control the DET so that it can offer the services provided by the service providers (See column 4 lines 40-67 and column 7 lines 10-20). The service provider or "broadcasting station" transmits the applications after it checks the current version of the application currently loaded on the DET. The check is performed every time the user changes service providers thus "repetitively" transmitting applications when necessary (See column 11 lines 1-25). The application is sent out using asynchronous transfer

Application/Control Number: 09/486,962 Page 7

Art Unit: 2611

mode (ATM) cells payload data or "sequence of blocks" where the VCI/VPI is used to direct the ATM cells to specific DETs (See column 17 lines 20-45). However, Kostreski lacks a general-purpose process module that performs the system described above.

Laubach et al. (Laubach) discloses a method and apparatus for an application interface module (AIM) in a subscriber terminal unit where one of the AIM could be used to provide ATM transmissions for the subscriber terminal unit or DET (See Fig. 14 and column 16 lines 25-40). Multiple AIMs are available to provide different functions to the subscriber terminal unit. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the process performed by the DET disclosed by Kostreski to be carried out in an AIM and to allow the DET to accept AIMs, as taught by Laubach, in order to provide the DET a convenient means of upgrading without purchasing a new DET.

Regarding claim 19, the DETs or AIM contain a processor, RAM or "volatile memory", and ROM or "non-volatile memory zone", which is protected (See Kostreski column 7 lines 10-20 and Laubach Fig. 14).

Regarding claim 20, Kostreski discloses that the ROM could also be flash memory (See column 9 lines 40-55).

#### **Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please take note of Metz et al. (US005768539A) for a similar method of downloading applications through a broadcast channel.

Application/Control Number: 09/486,962

Art Unit: 2611

Page 8

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Ustaris whose telephone number is (703) 305-0377. The examiner can normally be reached on Monday-Friday with alternate Fridays off from 7:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 872-9306.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 305-4700.

JGU February 12, 2004

PATENT EXAMINER